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February 14, 1996

Office of the Secretary
Federal Communications Commission
Washington, D. C. 20554

Re: Second Further Notice of Proposed Rulemaking in **PR Docket No. 93-144**

To Whom It May Concern:

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In the issue identified above I would like to comment as per the Commission's request. I would like to first reiterate my dissatisfaction with the FCC, as expressed in previous comments, in their efforts to proceed with the auction of property rights already lawfully held by others. Not one of the Senators or Representatives I have spoken with personally have ever expressed that the 800 Mhz auction, as it appears to be developing, was what was intended by the passage of the Consolidated Omnibus Budget Reform Act of 1993. In fact, when I speak to them they are as dismayed by the implications of the FCC's current actions.

Regarding the matter of **Disaggregation** I believe that the EA should be permitted to manage the unused spectrum won through auction however they see fit. As the FCC intends to cater to NEXTEL and not offer significant small business incentives to participate in the auction there should be no restriction on this activity. This would include no minimum amount of spectrum that must be used for disaggregation nor should there be minimum construction or coverage requirements.

Regarding the matter of **Partitioning** I believe that there should be no restriction on how it may be done nor should Partitioning be limited to bidding partners exclusively. I believe that operation the partitioned area should be in general conformity with the EA's original territory and the partitioned area.

Regarding the matter of **Mandatory Relocation of Incumbents** I cannot stress enough that this requirement be eliminated! 800 Mhz incumbents deserve the exact same protection that 900 Mhz incumbents received. No one person or company deserves to have the FCC uproot and run roughshod over them to clear the way for a new license holder. If relocation is required by the FCC then the incumbent should be entitled to all costs for relocation including reprogramming of customer equipment, replacement of customer equipment that will no longer function in the new scheme, upgrade of the fixed equipment if it will no longer function in the new scheme and any other cost the customer would not have ordinarily incurred as a routine cost of doing business.

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Regarding the matter of **Dispute Resolution** I do not believe that Industry trade association or the FCC should be permitted to be involved. This is a matter that should be left to ADR or mediation and the FCC should not give an endorsement to any one organization that may perform this function.

Regarding the matter of **Auctioning the Lower 80 channels** I would restate my general opposition to this form of license distribution. I fail to see how someone could auction the property of another in good conscience. I am pleased that the proposal calls for no mandatory relocation.

Regarding the matter of **Auctioning the General Category channels** I believe that the "channelization" proposed is lunacy. For a entrepreneurs block to contain 5 contiguous channels is insane. These channels cannot be effectively "combined" on one antennae array or mountain top for that matter.

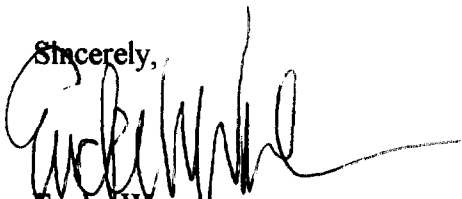
Regarding the matter of **Coverage Requirement for Lower 80/General Category** I do not believe there should be an exclusion for incumbent activity. As there is no mandatory relocation an auction winner does not have the ability to adequately address this issue with regard to incumbent activity.

Regarding the matter of **Bidding credits for Small Business** - I believe that there should be a bidding credit of 30% for businesses under \$3,000,000.00 and 20% for \$3,000,000.00 to \$8,000,000.00 and 10% for \$8,000,000.00 and above.

Regarding the matter of **Channelization for the General Category channels** I believe this should be divided as 5 channel blocks with 1 Mhz separation with any group of channels not meeting this separation set aside for itinerant and non-fixed operations.

In conclusion I would request that this rush to auction be stopped and pray for relief from this taking of spectrum. There are far more equitable mechanisms that can be devised and the FCC should proceed immediately to seek these out. I can be reached at (702) 359-1121 for clarification of any of the points raised in this comment.

Sincerely,



Eucke Warren
General Manager

cc: Rep. Barbara Vucanovich
Rep. Newt Gingrich
Sen. Robert Dole
Rep. Trent Lott

Sen. Richard Bryan
Sen. Harry Reid
FCC Chairman Reed Hundt
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